

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS**

MICAELA CRUZ on her own behalf and on	)	
behalf of her minor child, A.C., and	)	
DONTAY CRUZ, on his own behalf,	)	
	)	
Plaintiffs,	)	
	)	20 CV 00250
v.	)	
	)	
CITY OF CHICAGO; CHICAGO POLICE	)	Judge Steven C. Seeger
OFFICERS DAVID SALGADO, XAVIER	)	
ELIZONDO, JOSEPH TREACY, ROBERTO	)	
RAMIREZ, RICHARD MOSTOWSKI,	)	
MICHAEL KARCZEWSKI, DANIEL	)	
PACELLI, DAVID PARDO, CARLOS	)	
NUNEZ, EDWIN UTRERAS, JA	)	
MCCLAIN, and MJ HERNANDEZ,	)	
	)	
Defendants.	)	

**JOINT STATUS REPORT REGARDING SETTLEMENT EFFORTS**

Pursuant to the Court's July 12, 2021 Order, the parties submit this joint status report regarding their settlement efforts:

**Plaintiffs' Position:** As discussed in their previous status report, the parties had been exploring settlement in this case. Specifically, Defendants made an offer or judgment early in the case, and Plaintiffs made a counter-offer in March of 2020. In an effort to settle this case at an early stage, Plaintiffs' March 2020 offer was for an amount significantly lower than what the City has paid to settle other cases involving officers who allegedly pointed guns at children without justification, let alone cases that also involve deprivation of liberty claims with Defendants who are in prison for similar conduct that is alleged in this matter. For example, the City paid more than \$2 million to settle *Simmons v. City of Chicago*, Case No. 14-cv-9042 (N.D. Ill.) and \$350,000 to settle *Bures v. Chicago*, Case No. 19-cv-2040 (N.D. Ill.),<sup>1</sup> two cases involving pointing guns at children

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<sup>1</sup> The *Bures* settlement amount was publicly reported in September 2020.

that did not even include deprivation of liberty claims. Plaintiffs' offer in this case was well below the amounts that the City paid in both of those cases. Defendants did not respond to Plaintiffs' settlement offer until after the Court ruled on Defendants' motion to dismiss, which this Court largely denied. Dkt. 109. This Order spurred the commencement of discovery, and, accordingly, significantly more litigation. Yet when the City finally responded to Plaintiffs' settlement offer, it did so by making a counter-offer that was significantly lower than the City's original offer of judgment. Although Plaintiffs are always willing to discuss settlement, given this history of settlement discussions, Plaintiffs do not believe that a settlement conference would be productive at this time.

**Defendants' Position:** Plaintiff's position expressed above is needlessly argumentative. The City made an offer of judgment in March 2020, which was not accepted. The City also made a written settlement offer on July 19, 2021, and remains willing to participate in a settlement conference.

Respectfully submitted by:

<u>/s/ Scott Rauscher</u> <i>One of Plaintiffs' Attorneys</i> Jon Loevy Arthur Loevy Scott Rauscher Joshua Tepfer Theresa Kleinhaus Sean Starr Loevy & Loevy 311 North Aberdeen Street Third Floor Chicago, Illinois 60607 Phone: (312) 243-5900	<u>/s/ Shneur Nathan</u> Special Assistant Corporation Counsel for Defendant City of Chicago  Avi Kamionski (akamionski@nklawllp.com) Shneur Nathan (snathan@nklawllp.com) Helen O'Shaughnessy (helen@nklawllp.com) Natalie Adeeyo (nadeeyo@nklawllp.com) Ryan Janski (rjanski@nklawllp.com) Special Assistants Corporation Counsel 33 W. Monroe, Suite 1830 Chicago, IL 60603 (312) 612-2255 <i>Counsel for the City of Chicago</i>
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<p><u>/s/ Larry S. Kowalczyk</u> Special Assistant Corporation Counsel</p> <p>Larry S. Kowalczyk-lkowalczyk@querrey.com Megan Monaghan-mmonaghan@querrey.com Querrey &amp; Harrow, Ltd. Special Assistants Corporation Counsel 175 West Jackson Blvd., Suite 1600 Chicago, Illinois 60604-2827 (312) 540-7000 <i>Counsel for Defendant Officers Ramirez, Treacy, Karczewski, Pacelli, Pardo, Nunez, Utreras, McClain, and Hernandez</i></p>	<p><u>/s/ Winnefred A. Monu</u> Special Assistant Corporation Counsel</p> <p>Kenneth M. Battle Winnefred A. Monu Michele J. Braun kbattle@mokblaw.com wmonu@mokblaw.com jgf@mokblaw.com Special Assistants Corporation Counsel 20 North Clark Street., Suite 1600 Chicago, Illinois 60602 (312) 786-4600 <i>Counsel for Defendant Officer Xavier Elizondo</i></p>
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